

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

This measure will allow all Arizonans, regardless of party affiliation, to vote in a single open primary for the candidates of their choice. The two candidates who receive the most votes in the primary will compete in the general election. There will be a level playing field for all voters and candidates, and the current system of taxpayer-funded partisan primaries will be abolished. This reform will promote open government and encourage the election of candidates who will work together for the good of the state.

Signature of Applicant

Paul Johnson

Printed Name of Applicant

11811 N. Tatum Blvd., Suite 1051

Address

Phoenix, AZ 85028

City

State

Zip

602-413-8785

Telephone Number

Open Government Committee

Name of Organization (if any)

5125 N. 16th St., Suite B226

Address

Phoenix, AZ 85016

City

State

Zip

602-684-3143

Telephone Number

Paul Johnson, Chairman

Name of Officer and Title

11811 N. Tatum Blvd., Suite 1051

Address

Phoenix, AZ 85028

City

State

Zip

602-413-8785

Telephone Number

Paulina Morris, Treasurer

Name of Officer and Title

2525 E. Biltmore Circle A-212

Address

Phoenix, AZ 85016

City

State

Zip

602-505-7228

Telephone Number

Date of Application September 26, 2011

Signatures Required 259, 213

Deadline for Filing July 5, 2012

Serial Number Issued C-03-2012

FOR OFFICE USE ONLY

Revised 11/92

CFID# 201200145

2011 SEP 26 PM 4:10
SECRETARY OF STATE

AN INITIATIVE MEASURE

2011 SEP 26 PM 4:10

CREATING AN OPEN PRIMARY GIVING ALL QUALIFIED VOTERS THE RIGHT TO VOTE FOR THE CANDIDATES OF THEIR CHOICE, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE VII OF THE CONSTITUTION OF ARIZONA RELATING TO DIRECT PRIMARY ELECTION LAW

TEXT OF PROPOSED AMENDMENT

Be it enacted by the People of the State of Arizona:

Section 1. Title. This initiative amendment shall be known as the "Open Elections/Open Government Act."

Section 2. Purpose.

A. This initiative will ensure that every person qualified to vote, including those not affiliated with any political party, has the right to vote at any election for any candidate, regardless of the voter's or the candidate's party affiliation or lack of party affiliation.

B. To provide more choice to all the voters and candidates of Arizona, this proposition:

(1) Abolishes the existing system of taxpayer-funded primary elections to select nominees for political parties.

(2) Creates in its place an Open "Top Two" Primary Election, in which all candidates running for an office appear together on the same ballot and all qualified voters (regardless of party affiliation or lack thereof) are able to vote for the candidate of their choice. The two candidates receiving the highest vote totals for each office would then go on to face each other in the general election.

C. This proposition applies to all Arizona elections in which a candidate's party affiliation, registration, or preference may appear on the ballot. It does not apply to elections in which no party affiliation, registration, or preference appears on the ballot, and it also does not apply to the system for the election of President and Vice President of the United States.

Section 3. Article VII section 10, Constitution of Arizona, is amended by repealing section 10 and replacing it as follows:

~~§ 10. Direct primary election law~~

~~Section 10. The Legislature shall enact a direct primary election law, which shall provide for the nomination of candidates for all elective State, county, and city offices, including candidates for United States Senator and for Representative in Congress. Any person who is registered as no party preference or independent as the party preference or who is registered with a political party that is not qualified for representation on the ballot may vote in the primary election of any one of the political parties that is qualified for the ballot.~~

§ 10. OPEN TOP TWO PRIMARY

2011 SEP 26 PM 4:10

A. APPLICABILITY. THIS SECTION SHALL APPLY TO THE ELECTION OF CANDIDATES FOR ALL FEDERAL, STATE, COUNTY, AND LOCAL ELECTIVE OFFICES EXCEPT (1) THOSE IN WHICH NO PARTY AFFILIATION, REGISTRATION, OR PREFERENCE MAY APPEAR ON THE ELECTION BALLOT AND (2) THE SYSTEM FOR THE ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

B. RIGHTS OF VOTERS. ALL QUALIFIED VOTERS SHALL BE GUARANTEED THE UNRESTRICTED RIGHT TO VOTE FOR THE QUALIFIED CANDIDATE OF THEIR CHOICE IN ALL ELECTIONS. NO VOTER SHALL BE DENIED THE RIGHT TO VOTE FOR THE QUALIFIED CANDIDATE OF HIS OR HER CHOICE IN A PRIMARY OR GENERAL ELECTION BASED UPON HIS OR HER PARTY AFFILIATION OR LACK THEREOF. VOTERS SHALL BE PERMITTED TO STATE THEIR PARTY PREFERENCE (IF ANY) IN THEIR OWN WORDS ON THEIR VOTER REGISTRATION FORM, AND SHALL NOT BE LIMITED TO SELECTING FROM A LIST OF RECOGNIZED PARTIES OR AFFILIATIONS.

C. PROCEDURE. FOR OFFICES TO WHICH THIS SECTION APPLIES, AN OPEN PRIMARY ELECTION SHALL BE CONDUCTED TO SELECT THE CANDIDATES WHO COMPETE IN THE GENERAL ELECTION. ALL REGISTERED VOTERS MAY VOTE IN THE OPEN PRIMARY ELECTION FOR ANY QUALIFIED CANDIDATE, PROVIDED THAT THE VOTER IS OTHERWISE QUALIFIED TO VOTE FOR CANDIDATES FOR THE OFFICE IN QUESTION. THE TWO CANDIDATES WHO RECEIVE THE MOST VOTES IN THE PRIMARY ELECTION SHALL COMPETE IN THE GENERAL ELECTION; EXCEPT THAT, FOR ANY OFFICE TO WHICH MORE THAN ONE CANDIDATE WILL BE ELECTED, THE NUMBER OF CANDIDATES WHO WILL COMPETE IN THE GENERAL ELECTION SHALL BE THE NUMBER OF CANDIDATES TO BE ELECTED TIMES TWO. THIS SECTION DOES NOT PROHIBIT WRITE-IN VOTING IN EITHER THE PRIMARY OR GENERAL ELECTION AS OTHERWISE PRESCRIBED BY LAW.

D. FILING REQUIREMENT. ALL CANDIDATES WISHING TO RUN FOR AN ELECTIVE OFFICE TO WHICH THIS SECTION APPLIES SHALL FILE, WITH THE APPROPRIATE ELECTIONS OFFICER, PETITIONS CONTAINING THE SIGNATURES OF REGISTERED VOTERS IN AN AMOUNT TO BE ESTABLISHED BY LAW. THE SIGNATURE REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION SHALL BE BASED ON THE TOTAL VOTES CAST FOR THAT OFFICE IN THE PREVIOUS GENERAL ELECTION AND SHALL BE THE SAME FOR ALL CANDIDATES FOR THAT OFFICE, REGARDLESS OF PARTY AFFILIATION OR LACK THEREOF.

E. RIGHTS OF CANDIDATES. AT THE TIME THEY FILE TO RUN FOR PUBLIC OFFICE, EVERY CANDIDATE SHALL HAVE THE CHOICE TO DECLARE HIS OR HER PARTY PREFERENCE (IF ANY) AS IT IS STATED ON THEIR VOTER REGISTRATION FORM, UP TO A MAXIMUM OF 20 CHARACTERS. THAT PARTY PREFERENCE (IF ANY) SHALL APPEAR ON THE CANDIDATE'S NOMINATION PETITIONS AND ON THE PRIMARY AND GENERAL ELECTION BALLOTS USING THE PHRASE "REGISTERED AS _____." ON THE BALLOTS, THE WORDS "REGISTERED AS" MAY BE USED IN A COLUMN HEADING OR OTHER PREFATORY TEXT RATHER THAN BEING REPEATED NEXT TO THE PARTY PREFERENCE OF EACH CANDIDATE, SO LONG AS THE WORDS "REGISTERED AS" REMAIN PROMINENTLY STATED AND CLEAR TO THE READER. IF NO PARTY PREFERENCE IS STATED ON A CANDIDATE'S VOTER REGISTRATION FORM, THEN NO DESIGNATION SHALL APPEAR ON THE NOMINATION PETITIONS OR BALLOT WITH THE CANDIDATE'S NAME.

F. BALLOT LANGUAGE. IN ALL GOVERNMENT-ISSUED VOTER EDUCATION MATERIALS THAT CONTAIN A LIST OF CANDIDATES STANDING FOR ELECTION AND ON EVERY PRIMARY AND GENERAL ELECTION BALLOT, THE FOLLOWING LANGUAGE SHALL BE PROMINENTLY DISPLAYED: "THE PARTY

REGISTRATION (IF ANY) STATED WITH THE CANDIDATES' NAMES ON THIS BALLOT IS NOT AN INDICATION THAT A CANDIDATE HAS BEEN NOMINATED OR ENDORSED BY THAT PARTY, BUT ONLY REFLECTS THE PARTY REGISTRATION (IF ANY) OF THE CANDIDATE."

G. RIGHTS OF POLITICAL PARTIES. NOTHING IN THIS SECTION SHALL RESTRICT THE RIGHT OF INDIVIDUALS TO JOIN OR ORGANIZE INTO POLITICAL PARTIES OR IN ANY WAY RESTRICT THE RIGHT OF PRIVATE ASSOCIATION OF POLITICAL PARTIES. NOTHING IN THIS SECTION SHALL RESTRICT THE PARTIES' RIGHT TO CONTRIBUTE TO, ENDORSE, OR OTHERWISE SUPPORT OR OPPOSE CANDIDATES FOR ELECTIVE OFFICE. POLITICAL PARTIES MAY ESTABLISH SUCH PROCEDURES AS THEY SEE FIT TO ELECT PARTY OFFICERS, ENDORSE OR SUPPORT CANDIDATES, OR OTHERWISE PARTICIPATE IN ALL ELECTIONS, BUT NO SUCH PROCEDURES SHALL BE PAID FOR OR SUBSIDIZED USING PUBLIC FUNDS.

H. LEVEL PLAYING FIELD. ALL QUALIFIED VOTERS AND CANDIDATES SHALL BE TREATED EQUALLY BY STATUTES AND REGULATIONS GOVERNING ELECTIONS REGARDLESS OF THEIR PARTY AFFILIATION OR LACK THEREOF. TO THE EXTENT THAT ANY PRIVILEGES OR PROCEDURES ARE MADE AVAILABLE TO CANDIDATES OR POLITICAL PARTIES, THEY SHALL BE MADE EQUALLY AVAILABLE TO ALL CANDIDATES OR POLITICAL PARTIES, REGARDLESS OF PARTY AFFILIATION, RECOGNITION, OR LACK THEREOF.

Section 4. Severability

If any provision of this initiative is held invalid for any reason, the remaining portions of this initiative will be severed from the void portion and given the fullest possible force and application. The people of Arizona declare their intention that the provisions of this initiative are severable.

Section 5. Submission to voters

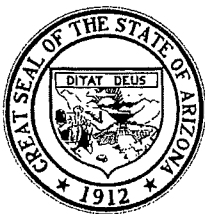
The Secretary of State shall submit this proposition to the voters at the next general election as provided by Article XXI, Section 1, Constitution of Arizona.

Section 6. Effective date and implementation by Legislature

If approved by the voters, this Constitutional Amendment shall apply to all elections occurring after January 1, 2014, and shall supersede any existing state statutes, regulations, and elections procedures to the extent that they are inconsistent with this Constitutional Amendment. The Legislature, Secretary of State and local officials shall promptly make such changes in and additions to state statutes, regulations, and elections procedures as are necessary to fully implement the provisions of this Constitutional Amendment in time for the open primary election in 2014 and for every open primary and general election thereafter. Legislation, regulations, and elections procedures implementing this amendment must be consistent with and further the purpose of this amendment to permit and encourage all qualified voters in Arizona to vote in primary and general elections for the candidates of their choice, regardless of the political affiliation of voters and candidates.

2011 SEP 26 PM 4:10

SECRETARY OF STATE



KEN BENNETT
SECRETARY OF STATE
STATE OF ARIZONA



RECEIPT

The Arizona Secretary of State has completed his duties in accordance with Arizona Revised Statutes § 19.121.01(A). **Open Government Supporting C-03-2012** has filed a total of **29,123** petition signature sheets containing **358,629** signatures to initiative number C-03-2012, which are eligible for verification. This receipt does not constitute an acknowledgement or determination by the Secretary of State that any of those signature sheets are in compliance with legal requirements for placing a measure on the November 6, 2012 General Election ballot. That determination can only be made after the Secretary of State and the County Recorders have performed their duties with respect to initiative petitions as required by law.

Dated this 2nd Day of August, 2012.

A handwritten signature of Ken Bennett in black ink, written over a horizontal line.

KEN BENNETT
Secretary of State

Sheets Removed by the Secretary of State's Office During Processing of Petitions and Reasons for Removal

Reasons	Sheets	Signatures
Title and text were not attached (ARS §§ 19-112(B) & 19-121.01(A)(1)(a))		
Attached text incomplete, missing, or wrong initiative text (ARS § 19-112(B) & 19-121.01(A)(1)(a))	1	12
Petition Serial Number is missing or is the wrong initiative (ARS § 19-121.01(A)(1)(c))	6	73
Affidavit of Circulator is incomplete or missing (ARS § 19-121.01(A)(1)(d))	27	336
Notary incomplete or missing or notary expired (ARS § 19-121.01(A)(1)(e))	18	214
Paid or Volunteer circulator not marked (ARS § 19-101(C) & (D))	66	818
Signatures obtained after notarization (ARS § 19-101(A))	224	2,634
Sheets removed per 19-121.01(A)(3)(f)	8	46
Whole sheet contained signatures that would have been removed by following ARS § 19-121.01(3)	61	420
TOTAL	411	4,553



KEN BENNETT
SECRETARY OF STATE
STATE OF ARIZONA



TO: Paul Johnson, Chairman
Open Government Committee
5125 North 16th Street, Suite B226
Phoenix, Arizona 85016

Having completed the requirements of A.R.S. § 19-121.04, I, Ken Bennett, Secretary of State, hereby certify that:

411 signature pages bearing 4,553 signatures for initiative petition serial number **C-03-2012** have been refused for filing in this office because the person circulating was a county recorder or justice of the peace at the time of circulating the petition or due to defects in the circulator's affidavit. A total of 8,504 signatures included on the remaining petition sheets were found to be ineligible. Of the total random sample of 17,932 signatures, a total of 5,291 signatures were invalidated by the county recorders resulting in a failure rate of 29.51 per cent. The actual number of remaining signatures for such initiative petition number **C-03-2012** is below the minimum required by the constitution to place a measure on the general election ballot. The number of valid signatures filed with this petition, based on the random sample, appears to be less than one hundred per cent of the minimum required or through examination of each signature has been certified to be less than the minimum required by the constitution. Consequently, the petition for serial number **C-03-2012** lacks the minimum number of signatures to place it on the general election ballot.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Arizona. Done at the Capitol in Phoenix, this 23rd day of August, 2012.

KEN BENNETT
Secretary of State

ARIZONA
SECRETARY OF STATE'S OFFICE
DETERMINATION OF VALID SIGNATURES
INITIATIVE PETITION SERIAL NUMBER C-03-2012

	Sheets	Signatures
Committee purported	29,243	365,456

DETERMINATION OF RANDOM SAMPLE

Secretary of State counted	29,123	371,686
Secretary of State removed per A.R.S. § 19-121.01(A)(1)	411	4,553
Secretary of State removed per A.R.S. §§ 19-121.01(A)(2) & (3)		<u>8,504</u>
Total number of signatures eligible for verification		358,629
5% of the total number of signatures eligible for verification per A.R.S. § 19-121.01(B)		17,932

DETERMINATION OF INVALIDITY RATE

County removed per A.R.S. § 19-121.02	5,291
Divided by the number of signatures submitted to the counties for verification	<u>17,932</u>
INVALIDITY RATE	29.51%

DETERMINATION OF TOTAL VALID SIGNATURES

Total number of signatures eligible for verification	358,629
Less number of signatures removed by County	<u>5,291</u>
Subtotal of valid signatures	353,338
Multiplied by Invalidity Rate	29.51%
Total number of invalid signatures	<u>104,270</u>
TOTAL VALID SIGNATURES	249,068

DETERMINATION OF TOTAL PERCENTAGE OF VALID SIGNATURES

Total Valid Signatures	249,068
Divided by minimum signature requirement	259,213
TOTAL PERCENTAGE OF VALID SIGNATURES	96.09%

(Constitutional changes: 1,728,081 total votes cast for Governor at the November 2010 General Election x 15% = 259,213)

(Statutory changes: 1,728,081 total votes cast for Governor at the November 2010 General Election x 10% = 172,809)

(Referenda: 1,728,081 total votes cast for Governor at the November 2010 General Election x 5% = 86,405)

Ariz. Const. Art. IV, Part 1, §1